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'I Want to See My Grandchild Grow Up': These Attorneys Are Fighting Gunmakers

Buffalo filed suit against multiple defendants, including Bushmaster Firearms, Vintage Firearms, Smith & Wesson Brands, Beretta USA Corp., Colt's Manufacturing Co., and Glock.

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State and Local Government



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Efforts to thwart gun violence by New York's second-largest city have been circumvented by more than two dozen gun manufacturers and distributors, including those in the business of selling "ghost gun" products, a civil lawsuit filed Tuesday on behalf of Buffalo by the law firm Napoli Shkolnik alleges.

"We are proud to represent the city of Buffalo," firm partner Hunter Shkolnik said. "We will work hard to hold these defendants responsible for their actions. Gun violence needs to stop and we can no longer allow guns to get into the wrong hands."

The first-of-its-kind lawsuit was filed in state court in Erie County.

Buffalo holds the grim distinction of being the site of a racially motivated mass shooting that led to the deaths of 10 Black people at a grocery store on May 14.

The white teenage gunman, 19-year-old Payton Gendron, who had used a modified assault rifle, pleaded guilty to state charges in recent weeks.

But Buffalo has had many other shooting deaths, including that of a 3-year-old boy, allegedly at the hands of a couple in their 20s, who had fired at a crowd gathered to watch fireworks at a housing complex on July 5, 2021, the lawsuit stated.

Investigators later found an illegal pistol and a rifle inside the defendant couple's shared apartment.

In filing the lawsuit, Buffalo isn't trying to prevent legal gun ownership, the city's five-term Mayor Byron Brown, a Democrat, said during a news conference.

"This is just another proactive strategy that we are utilizing in Buffalo to keep our community safe," Brown said.

Bushmaster Firearms, the brand of assault rifle Gendron used, and Vintage Firearms, which sold Gendron the rifle, are among the litany of co-defendants in Buffalo's lawsuit.

Others are Smith & Wesson Brands, Beretta USA Corp, Colt's Manufacturing Co., and Glock.

Bushmaster Firearms, Vintage Firearms, and Smith & Wesson did not immediately respond to messages seeking comment.

The lawsuit alleges the defendants' collective "conduct in the design, manufacturing, importing, selling, marketing and distribution of their firearms has created, contributed to, and maintained the public nuisance of unlawful possession, transportation and disposition of firearms, and the utilization of guns in the commission of an offense."

New Law

Napoli Shkolnik partner Salvatore Badala said one of the causes of action is state Gen. Bus. Law § 898-E, which was enacted last year. The law allows any person, firm, corporation or association to bring an action for recovery of damages if it's been damaged as a result of a gun industry member's "acts or omissions in violation of the law."

Badala said the lawsuit highlights what the defendants hadn't done to prevent a public nuisance, such as tracking when guns were used in the commission of a crime, or when guns were purchased in other states, and then used to commit crimes in Buffalo.

Badala said Brown, the city's corporation counsel and his firm "seek to hold these defendants responsible for the nuisance that they have created, maintained and contributed to in this great city."

Citing Centers for Disease Control and Prevention data from 2020, the lawsuit says 45,000 people died by gun violence in the U.S., intensifying a "concurrent public health crisis" as the country struggled against the COVID-19 pandemic.

"What is clear is that guns are getting into the wrong hands," Badala said.

'Using Them to Devastate'

City Corporation Counsel Cavette Chambers said the lawsuit was about remembering the victims of the May 14 mass shooting, and all the other victims of gun violence in Buffalo.

"The staggering results of gun violence in the city, as well as across the country has seen young people under the age of 20 being the leading cause of your death," Chambers said. "This is something that I feel very passionate about as a mother and as a grandmother—that I want to see my grandchild grow up."

Buffalo's first-year Police Commissioner Joseph Gramaglia said five gun defendants, some involving shootings, were arraigned on Monday alone.

"We are taking guns off the street on almost a daily basis," he said. "Too many guns are winding up in the hands of people that are using them illegally and using them to devastate our communities."

During 2020, 478 firearms were recovered in Buffalo, trailing only 3,323 in New York City and 708 in Rochester, according to the lawsuit, which also references the U.S. House of Representatives' July memorandum from the Committee on Oversight and Reform's investigation into gun industry practices and profits.

The probe found that gun manufacturers employ financing tactics and "manipulative marketing campaigns" to sell AR-15 rifles to civilians, including young people.

The lawsuit states that several ghost gun defendants sent shipments to consumers in a short period of time, while "making no effort to determine whether those consumers were engaged in firearms trafficking. The defendants shipped unfinished gun frames and receivers to individuals who were not eligible to legally own a firearm.

Ghost guns are banned in New York, yet they are "flooding the City of Buffalo," according to the suit, which states Buffalo Police recovered 62 ghost guns in connection with arrests in 2021, and more than 40 in the first six months of this year.

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